

Notice of Allowability

Application No.

09/995,250

Examiner

Sonny TRINH

Applicant(s)

TIJERINO, YURI ADRIAN

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to terminal disclaimer filed 10/11/05.
2. ☒ The allowed claim(s) is/are 1-76.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. **Claims 1-76** are allowed.

The following is an examiner's statement of reasons for allowance:

Terminal disclaimer filed by Applicant on 10/11/05 has overcome the rejection in the Office Action mailed 04/18/05 and the Application is in condition for allowance.

The present invention comprises a communication system and network to adaptively retrieving of data for sending and receiving personalized information from a communication device. Each independent claim identifies the uniquely distinct features for a communication system, server, communication device, and method for "a communication device comprising ... an augmenter for generating the augmented data utilizing the preference data, the current selection preference, and the positioning data," and "a server...the server receiving the augmented data from the communication device and sending the service response data in response to the augmented data." As recited in the claims, augmented data is created by the combination of preference data, position data and a current selection by the user. The closest prior art, Fan (US 5,959,577) and Hobbs (US 5,987,454) disclose position and travel related information that can be requested and transfer to a user of a mobile

station in a conventional communication networks, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Claims 2-6 are allowed as being depended upon independent claim 1.

Claims 8-15 are allowed as being depended upon independent claim 7.

Claims 17-22 are allowed as being depended upon independent claim 16.

Claims 24-25 are allowed as being depended upon independent claim 23.

Claims 27-31 are allowed as being depended upon independent claim 26.

Claims 33-39 are allowed as being depended upon independent claim 32.

Claims 41-46 are allowed as being depended upon independent claim 40.

Claims 48-54 are allowed as being depended upon independent claim 47.

Claims 56-60 are allowed as being depended upon independent claim 55.

Claims 62-66 are allowed as being depended upon independent claim 61.

Claims 68-76 are allowed as being depended upon independent claim 67.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/8/05


SONNY TRINH
PRIMARY EXAMINER